REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

The specification has been amended to eliminate reference to the claims. By the present amendment, Claims 1 – 9 have been cancelled. Claims 10 – 14 have been added.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

The Examiner rejected claims 1, 2, 4, 7, and 8 under 35 U.S.C. § 102(e) as anticipated by Latham, Jr., U.S. Patent No. 4,303,193 (Latham, Jr.) or Nilsson et al., U.S. Patent No. 5,800,070 (Nilsson). Claims 1, 2, and 7 were rejected a being anticipated by Cook, U.S. Patent No. 2,556,317 (Cook). It is respectfully submitted that claims 10 – 14 are patentable over the cited references.

Specifically, claim 10 recites that the compensating ring (8) is supported at a concentric surface of the rotor (5) by an elastic ring. This is not disclosed in any of the references.

In Latham Jr., the part (125) is not a compensating ring but an outer ring of a bearing which is fixedly secured to a support (122) and is spaced from the rotor (94) (column 12, lines 11-15).

In Cook, the rings (23 and 26) are mounted to the housing. The supporting ring (18) is not an elastic ring and, further, it does not mount the ring assembly at the rotor, but rather the entire bearing assembly is mounted on the shaft.

Nilsson likewise does not disclose a device having a compensating ring and an elastic ring that mounts the compensating ring at the rotor.

A rejection based on 25 U.S.C. § 102 as in the present case, requires that the cited reference disclose each and every element covered by the claim. Electro Medical Systems S.A. v. Cooper Life Sciences, 32 U.S.P.Q. 2d 1017, 1019 (Fed. Cir. 1994); Lewmar Marine Inc. v. Barient Inc., 3 U.S.P.Q. 2d 1766,

1767-68 (Fed. Cir. 1987); Verdegall Bros., Inc. v. Union Oil Co., 2 U.S.P.Q. 2D 1051, 1053 (Fed. Cir. 1987). The federal Circuit has mandated that 35 U.S.C. § 102 requires no less than "complete anticipation . . . [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." Connell v. Sears, Roebouck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems, 32 U.S.P.Q. 2d at 1019; Verdegall Bros., 2 U.S.P.Q. 2d at 1053.

Since Latham, Jr., Cook and Nilsson all fail to disclose each and every feature of independent Claim 10, none of the Latham, Jr., Cook and Nilsson, as a matter of law, anticipates the present invention, as defined by said independent claim.

In view of the above, it is respectfully submitted that Latham, Jr., Cook and/or Nilsson do not anticipate or make obvious the present invention as defined in Claim 10, and the present invention is patentable over these references.

Claims 11-14 depend on Claim 10 and are allowable for the same reasons Claim 10 is allowable and further because of specific features recited therein

which, when taken alone and/or in combination with features recited in Claim 10, are not disclosed or suggested in the prior art.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects, in order to place the case in condition for allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail and addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on May 3, 2004.

Alexander Zinchuk